

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and  
FACEBOOK, INC.,

Defendants.  
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**REDACTED NOTICE OF  
CROSS-MOTION TO COMPEL**

Civil Action No. 1:10-cv-00569-  
RJA

**PLEASE TAKE NOTICE** that upon the accompanying Redacted Memorandum of Law, the annexed Redacted Declaration of Alexander H. Southwell, Esq., Declarations of Terrance Flynn, Esq., and Dr. Albert Lyter III, and accompanying exhibits, the undersigned will move this Court, on August 17, 2011, or as soon thereafter as the motion may be heard by this Court, to compel Plaintiff's compliance with this Court's July 1, 2011 Order under Federal Rule of Civil Procedure 37, and for an order:

(1) Directing Ceglia to comply with the provision of the Order requiring him to produce several specific categories of electronic documents, including copies of the purported contract in the possession of Ceglia's lawyers or experts, and to produce the [REDACTED] whose very existence he has concealed;

(2) Directing Ceglia to comply with the provision of the Order requiring him to certify that he has produced all the electronic assets called for by the Order;

(3) Directing Ceglia's current attorneys to file certifications under Rule 11 that they are maintaining this lawsuit in good faith and based upon a reasonable investigation of the underlying facts;

# **EXHIBIT A**

(4) Directing Ceglia to permit additional ink sampling of the purported contract and “spec sheet”;

(5) Granting *in camera* review of two documents as to which Ceglia has asserted attorney-client privilege to determine whether the privilege has been properly invoked;

(6) Overruling Ceglia’s abusive and improper designation of all 120 relevant electronic documents and data items found to date on his computers, CDs and floppy disks — including the [REDACTED] — as “confidential” documents that cannot be disclosed under the joint stipulated protective order.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule of Procedure 7 of this Court, Defendants request oral argument and state their intention to file and serve reply papers.

Dated: New York, New York  
August 4, 2011

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Respectfully submitted,

/s/ Orin Snyder  
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*Attorneys for Defendants Mark Zuckerberg and Facebook, Inc.*